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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
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09/892,265

06/27/2001

Stephan Meyers

413-010436-US(PAR)

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05/10/2004

PERMAN & GREEN  
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FAIRFIELD, CT 06824

EXAMINER

GELIN, JEAN ALLAND

ART UNIT

PAPER NUMBER

2681

7

DATE MAILED: 05/10/2004

Please find below and/or attached an Office communication concerning this application or proceeding.

## Office Action Summary

**Application No.**

09/892,265

**Applicant(s)**

MEYERS, STEPHAN

**Examiner**

Jean A Gelin

**Art Unit**

2681

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --  
**Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

### Status

- 1) ☒ Responsive to communication(s) filed on 27 June 2001.  
2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.  
3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

### Disposition of Claims

- 4) ☒ Claim(s) 1-23 is/are pending in the application.  
4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.  
5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.  
6) ☒ Claim(s) 1-4, 9-17, 22 and 23 is/are rejected.  
7) ☒ Claim(s) 5-8 and 18-21 is/are objected to.  
8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

### Application Papers

- 9) ☐ The specification is objected to by the Examiner.  
10) ☒ The drawing(s) filed on 27 June 2001 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).  
11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

### Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).  
a) ☐ All b) ☐ Some \* c) ☐ None of:  
1. ☐ Certified copies of the priority documents have been received.  
2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.  
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

### Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)  
2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)  
3) ☒ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)  
Paper No(s)/Mail Date 6.  
4) ☐ Interview Summary (PTO-413)  
Paper No(s)/Mail Date. \_\_\_\_\_.  
5) ☐ Notice of Informal Patent Application (PTO-152)  
6) ☐ Other: \_\_\_\_\_.

<b>Notice of References Cited</b>	Application/Control No. 09/892,265	Applicant(s)/Patent Under Reexamination MEYERS, STEPHAN	
	Examiner Jean A Gelin	Art Unit 2681	Page 1 of 1

**U.S. PATENT DOCUMENTS**

*		Document Number Country Code-Number-Kind Code	Date MM-YYYY	Name	Classification
	A	US-5,699,255	12-1997	Ellis et al.	701/212
	B	US-6,075,467	06-2000	Ninagawa, Yuji	340/995.14
	C	US-6,314,295	11-2001	Kawamoto, Yoji	455/456.2
	D	US-6,546,334	04-2003	Fukuchi et al.	701/208
	E	US-			
	F	US-			
	G	US-			
	H	US-			
	I	US-			
	J	US-			
	K	US-			
	L	US-			
	M	US-			

**FOREIGN PATENT DOCUMENTS**

*		Document Number Country Code-Number-Kind Code	Date MM-YYYY	Country	Name	Classification
	N					
	O					
	P					
	Q					
	R					
	S					
	T					

**NON-PATENT DOCUMENTS**

*		Include as applicable: Author, Title Date, Publisher, Edition or Volume, Pertinent Pages)
	U	
	V	
	W	
	X	

\*A copy of this reference is not being furnished with this Office action. (See MPEP § 707.05(a).)  
Dates in MM-YYYY format are publication dates. Classifications may be US or foreign.

## DETAILED ACTION

### ***Claim Rejections - 35 USC § 112***

1. The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

2. Claim 2 recites the limitation "the quadtree system" in line 2. There is insufficient antecedent basis for this limitation in the claim.

Claims 5-10 are also rejected because they depend on claim 2.

3. Regarding claim 11, the limitation "a cellular terminal the display of which is arranged to be used as a map display" in line 6 is not clear. There is insufficient antecedent basis for this limitation in the claim. The Examiner suggests the Applicant to rewrite the limitation as follow: "a cellular terminal having a display which is arranged to be used as a map display".

### ***Claim Rejections - 35 USC § 102***

4. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

5. Claims 1, 2, and 4 are rejected under 35 U.S.C. 102(e) as being anticipated by Ninagawa (US 6,075,467).

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Regarding claim 1, Ninagawa teaches a method for displaying on a cellular terminal map data from a map data bank connected with a cellular network (col. 1, lines 7-24, col. 4, lines 24-26), which method comprises a step in which map data retrieval from a map data bank is started at the terminal (col. 7, lines 11-14), a step in which the map data are transferred to the terminal (col. 7, lines 13-15), steps in which the map presentation on the terminal's display is enhanced (col. 7, line 62 to col. 8, line 9), and a step in which the map data are shown on the terminal's display, wherein the map data contained in the map data bank are arranged in hierarchic map levels to be enhanced in a stepwise manner so that when a map retrieval is started, a map of the coarsest hierarchic level is fetched to the terminal and the fetched map is divided on the display of the terminal into at least two equal-sized sections one of which can be selected by means of the terminal for a more detailed map data, retrieval and presentation (col. 8, lines 1-57).

Regarding claim 2, Ninagawa teaches wherein the map data contained in the map data bank are arranged into a map hierarchy according to the quadtree system (col. 6, line 50 to col. 7, line 24, the stored map data are from the map center).

Regarding claim 4, Ninagawa teaches wherein the location for the terminal is carried out by a GPS positioning device in the terminal (col. 6, lines 36-37).

6. Claims 11-13, 16, 17, and 23 are rejected under 35 U.S.C. 102(b) as being anticipated by Ellis et al. (US 5,699,255).

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Regarding claims 11, 16, 17, Ellis teaches a location data arrangement in a cellular telephone system (col. 4, lines 49-63), comprising: a map data bank connected with a cellular network, wherein map data in the map data bank are arranged in hierarchic map levels that become more detailed step by step (i.e., transmitting map information in the order related to the position of the mobile, col. 6, lines 13-42) a public cellular network (col. 4, lines 53-55), a cellular terminal the display of which is arranged to be used as a map display (col. 6, lines 18-20), and a means at the terminal to determine the geographical position of the terminal (col. 6, lines 25-27).

Regarding claims 12, 17, Ellis teaches wherein the hierarchic map data in the map data bank in the cellular telephone system are arranged in the form of a quadtree (i.e., user has the option to select the scale and detail of the transmitted map information stored in the base station, col. 7, lines 11-61).

Regarding claims 13, 23, Ellis teaches wherein the means for determining the position of the terminal comprises a GPS positioning device (col. 7, lines 1-10).

### ***Claim Rejections - 35 USC § 103***

7. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

8. Claim 3 is rejected under 35 U.S.C. 103(a) as being unpatentable over Ninagawa (US 6,075,467) in view of Ellis et al. (US 5,699,255).

Regarding claim 3, Ninagawa teaches all the limitations above except wherein the geographical position of the terminal is determined at the start of map data retrieval, after which a map record at the coarsest level of the map hierarchy is fetched to the terminal's display, which map record has the coordinates of the said geographical position.

However, the preceding limitation is known in the art of communications. Ellis teaches location of the mobile device including map information is transmitted from the base station to the mobile device (col. 2, lines 13-24), and latitude and longitude and coordinates are used to transmit only the desired map information requested by the user (col. 8, lines 4-67). Therefore, it would have been obvious to one of ordinary skill in the art, at the time of the invention, to implement the technique of Ellis within the system of Ninagawa in order to provide system that allows the user to tailor the received map information containing only map information which the user wants.

9. Claims 14, 15, and 22 are rejected under 35 U.S.C. 103(a) as being unpatentable over Ellis et al. (US 5,699,255) in view of Ninagawa (US 6,075,467).

Regarding claims 14-15, 22, Ellis teaches all the limitation above except wherein the map data fetched from the map data bank are arranged to be saved in the terminal for later use.

However, the preceding limitation is known in the art of communications. Ninagawa teaches retrieving map information from the information center to update map information in the mobile device, the updated map information is stored in the mobile station (col. 6, lines 10-23, col. 8, lines 20-49). Therefore, it would have been obvious to

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one of ordinary skill in the art, at the time of the invention, to implement the technique of Ninagawa within the system of Ellis in order to compare map information with the latest version of map information when the mobile station moves to different zone, and allow the user to select a desired scale to display map information.

***Allowable Subject Matter***

10. Claims 5-8 and 18-21 would be allowable if rewritten to overcome the rejection(s) under 35 U.S.C. 112, second paragraph, set forth in this Office action and to include all of the limitations of the base claim and any intervening claims.

***Conclusion***

11. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

Kawamoto (US 6,314,295) teaches terminal unit, position display method.

Fukuchi et al. (US 6,546,334) teaches car navigation MAP update system and car navigation terminal system.

12. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Jean A Gelin whose telephone number is (703) 305-4847. The examiner can normally be reached on 9:00 AM to 6:30 PM.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Erika A Gary can be reached on (703) 308-0123. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.



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Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

JGelin  
April 24, 2004

**JEAN GELIN**  
**PATENT EXAMINER**

*Jean Hland Gelin*